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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,723	01/14/2000	Sharon S. Liu	5437-109	8755

29989 7590 06/26/2003

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1600 WILLOW STREET  
SAN JOSE, CA 95125

EXAMINER
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REAGAN, JAMES A

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/483,723	LIU ET AL.
Examiner	Art Unit	
James A. Reagan	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 16 April 2003.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 11-23,34-46 and 57-105 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11-23,34-46 and 57-105 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the amendment received on 16 April 2003.
2. Claims 11, 12, 15, 18, 34, 35, 38, 41, 57, 58, 61, 64, 70, 72, 73, 75, 76, and 78 have been amended (paper #4).
3. Claims 1-10, 24-33, and 47-56 have been cancelled (paper #4).
4. Claims 79-105 have been added (paper #4).
5. Claims 11-23, 34-46, and 57-105 have been examined.
6. The rejections of claims 11-23, 34-46, and 57-78 have been updated to reflect the amended limitations.
7. The rejections of claims 79-105 are original.

### **RESPONSE TO ARGUMENTS**

8. Applicant's arguments with respect to claims 11, 34, and 57 have been considered but are moot in view of the new ground(s) of rejection.

9. The following is a **Final Rejection** of all claims and associated limitations pending in the current application as amended in paper #9.

### **Claim Rejections - 35 USC § 112**

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 11-23, 34-46, and 57-105 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The limitations containing the phrase "wrapper instance" are critical or essential to the practice of the invention, and although included in the claim(s), are not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). In this case, the Examiner can find no description within the specification that adequately details the description and use of the "wrapper instance." The Applicant is required to point out page and line numbers describing the "wrapper instance" within the specification or amend and/or cancel the claims accordingly.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-23, 34-46, and 57-105 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner can find no

description within the specification that adequately details the description and use of the "wrapper instance." The Applicant is required to point out page and line numbers describing the "wrapper instance" within the specification or amend and/or cancel the claims accordingly.

### **Claim Rejections - 35 USC § 103**

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

14. Claims 1 - 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et. al., (US 2002/10112171) in view of Elgamal et. al., (US 6,389,534) in view of Pressman, Software Engineering: A Practitioner's Approach (c) 1982-1997.

Ginter et al teach systems and methods for electronic rights protection such that Applicants' step of receiving a request, instantiating an implementation and determining a set of restrictions reads on a VIDE content provider providing content (application) to a user who later registers (requests) the application with the VIDE provider who then places rules, restrictions and/or control information in the content/application (implementation customization), pages 11, paragraph [0165], Applicants' enforcement logic for enforcing said restrictions reads on the control information, pages 19 and 25, paragraph [0212] and [0236]. Applicant's step of encapsulating and providing reads on the VDE provider placing the control information in the user application page 32, paragraphs [0407] and [0417].

Elgamal et al teach an apparatus for integrated dynamic encryption and/or decryption for use in an application such that Applicants' step of receiving a request from an application reads on application, element 101, 102 or 103 and column 5, lines 29 - 38, (step 302 of figure 3) Applicant's step of instantiating an implementation class reads on the cryptographic plug-in modules, (step 303 of figure 3) Applicants' step of determining restrictions reads on the policy filter initialization module, element 112, (step 304 of figure 3), and Applicants' steps of instantiating a wrapper class and encapsulating an implementation instance reads on the policy filters, elements 108 - 111.

Although Elgamal et al do not teach providing to the application, the customized implementation, but rather the result of an implementation, Ginter et al disclose that control information can be incorporated into an application so that the application can

"travel"; i.e., the application will not have to go back to a framework in order to function - the rules are within the application. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elgamal et al so that the restrictions are incorporated into the application as taught by Ginter et al. so that the application can "travel" or be whole without having to keep referring back to a framework for those restrictions.

With regard to the limitations of claims 12-23, 35-46, and 58-69 the Examiner points at least to the following passages below:

- Applicants' unrestricted implementation reads on Table 2 where in all of the Value Pairs would be true.
- Applicants' particular service reads on the purpose of Elgamal et al wherein there are an unlimited number of encryption/decryption parameters (as unlimited as the cryptographic plug-in modules).
- Applicants' unrestricted implementation reads on the use of Elgamal et al's system within the U.S., wherein there are no restrictions on key size.
- Discussion at column 5, lines 29 - 42.
- Applicants' exemption mechanism reads on the "conditional" value pair of Table 2
- Applicants' digital signature reads on the digital signature of Elgamal et al.
- Applicants' authentication reads on column 6, lines 59 - 62.
- Applicants' step of accessing reads on Table 2.
- Elgamal et al discloses a default configuration, column 6, lines 48 - 52.

- Policy filters, column 7, lines 1 – 15 read on a plurality of content users and their applications requiring different rules/restrictions (second customized implementation).

Pressman discloses object-oriented software engineering (pages 1-22 and 549-576). Claims 79-105 recite basic OOD/OOA concepts that are old and well-known in the computer programming arts. Since the Applicant appears to be merely claiming OOD/OOA programming concepts and principles, the cited references apply as a whole to the limitations of claims 79-105. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ginter, Elgamal, and Pressman because configuring a software system to address the security issues surrounding encryption of transactions across a network are efficiently solved by using object-oriented design and analysis techniques.

### Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is (703) 306-9131. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

**Washington, D.C. 20231**

or faxed to:

**(703) 305-7687** [Official communications; including

After Final communications labeled "Box AF"]

**(703) 308-1396** [Informal/Draft communications, labeled "PROPOSED" or  
"DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

JAR

23 June 2003

*John W. Hayes*  
JOHN W. HAYES  
PRIMARY EXAMINER